



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

June 14, 2022

BY ECF

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Yusuf Owolabi Abdul, S1 19 Cr. 462 (KPF)*

Dear Judge Failla:

The Government writes in opposition to the defendant's proposed Judicial Removal Order ("JRO"). (Dkt. 143). As the Court will recall, this issue was raised during the defendant's June 2, 2022 sentencing proceeding. At that time, the Government indicated its understanding that for a JRO to have any legal effect, the District Court must sign at or before the sentencing proceeding. (Dkt. 141 at 49). Once sentencing has been imposed, a defendant can only seek expedited removal by either having the Court sign the JRO during a re-sentencing proceeding, or alternatively, by filing a joint motion for removal and the waiver of a hearing with Immigration Court after being transferred from Bureau of Prisons ("BOP") custody to the custody of United States Immigration and Customs Enforcement ("ICE"). (*Id.* at 49-51). During the sentencing proceeding, the defendant agreed to pursue the second of these two options. (*Id.* at 51). Following the defendant's sentencing proceeding, the Government contacted the Department of Homeland Security and confirmed the accuracy of the above-described information.

In light of the above, the Government respectfully submits that the Court should not sign the proposed JRO since it will have no legal effect, and that the defendant should instead pursue expedited removal in the above-described manner, following his transfer from BOP to ICE custody.

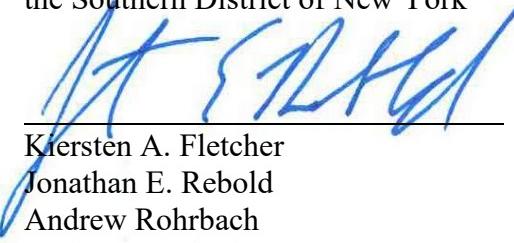
Hon. Katherine Polk Failla
June 14, 2022

Page 2

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for
the Southern District of New York

By:



Kiersten A. Fletcher
Jonathan E. Rebeld
Andrew Rohrbach
Assistant United States Attorneys
(212) 637-2238/-2512/-2345

cc: All counsel (via ECF)

For the reasons stated above and at the May 6, 2022 sentencing in this matter, the Court DENIES Defendant Yusuf Owolabi Abdul's request for a judicial order of removal. Mr. Abdul may seek such an order through the process described in the Government's above letter.

The Clerk of Court is directed to terminate the motion at docket entry 143.

Dated: June 14, 2022
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE